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April 9, 2013

Steve Nightingale, P.E.
Manager, Permit Section
Bureau of Land, Mail Code #33
Illinois EPA
1021 North Grand Ave East
PO Box 19276
Springfield, IL 62794-9276

VIA U.S. MAIL AND E-MAIL

RE: Judith Lane Containment Cell
BOL Site ID Number 1630200005
RAPP Application Log Number B-205

Dear Mr. Nightingale:

This letter responds to Rob Watson's March 28, 2013, e-mail in which Illinois EPA requested that Solutia Inc. (Solutia) provide clarification of its position regarding the future use and regulation of the Judith Lane Containment Cell (JLCC).

Background and Current Regulatory Status

The JLCC was constructed to facilitate a removal action involving the Sauget Area 1 Sites. On May 31, 2000, the US EPA issued a Unilateral Administrative Order (UAO) under CERCLA to Solutia and Monsanto Company (now known as Pharmacia LLC), requiring the removal of certain impacted soils and sediments from various segments of Dead Creek, which is located in both Sauget and Cahokia, IL. These impacted creek sediments and soils were placed into the JLCC, which was constructed on land owned by Solutia as a TSCA- and RCRA-compliant landfill. The JLCC currently contains approximately 58,300 cubic yards of creek sediments and soils and has a temporary cover in place. However, the capacity of the JLCC is such that it can accommodate an additional 12,500 cubic yards of material prior to closing. The JLCC is owned by Solutia and currently is part of the Sauget Area 1 Sites and under the jurisdiction of the US EPA Region 5 CERCLA division.

Additional JLCC Capacity Use by WGK RCRA Project

The Solutia W. G. Krummrich Plant (WGK) had been performing investigative work for several years under a 3008(h) RCRA Administrative Order issued by US EPA on May 3, 2000. On February 26, 2008, the US EPA Region 5 RCRA division issued a Final Decision, selecting the

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corrective measures to be undertaken at WGK. Part of these corrective measures included the excavation and removal of a quantity of impacted soil from the former PCB manufacturing area (within WGK) similar in quantity to the remaining capacity of the JLCC.

The US EPA RCRA and CERCLA divisions have indicated to Solutia that they agree that the impacted soil can be excavated from WGK and placed into the JLCC if all state and federal requirements are met. Solutia prepared and submitted to Illinois EPA a Remedial Action Plan Permit (RAPP) application on July 18, 2008, requesting approval to dispose of up to 12,500 cubic yards of impacted soil from WGK into the JLCC. Illinois EPA commented on this RAPP application on July 29, 2011, and Solutia revised and resubmitted its application on March 30, 2012. In a conference call on January 9, 2013, Illinois EPA indicated that, as of October 2012, it had suspended its review of the application until certain issues have been addressed, including the need to permanently transfer regulatory jurisdiction to Illinois EPA RCRA from US EPA CERCLA. These issues were discussed in a subsequent call on February 28, 2013, among Illinois EPA, US EPA, and Solutia.

JLCC Regulatory Jurisdiction and Solutia Responsibility

Based on our discussions with both US EPA and Illinois EPA, Solutia understands and accepts that, upon the issuance of an acceptable RAPP by Illinois EPA, the regulation of the JLCC itself would transfer permanently from US EPA CERCLA jurisdiction to Illinois EPA RCRA jurisdiction. However, as clarification, only the JLCC (and the monitoring wells specifically associated with the JLCC long-term groundwater monitoring program) would transfer to the Illinois EPA RCRA program, and all other Sauget Area 1 Sites (including Dead Creek and Sites G, H, I, L, M and N) will remain under US EPA CERCLA jurisdiction. Furthermore, if an acceptable RAPP is issued, Solutia acknowledges that it will be the owner and operator of the JLCC and will be responsible, as between it and the agency, for the long-term management of the JLCC and all of the impacted materials within the containment cell.

Attached to this letter is a scale drawing showing the Sauget Area 1 Sites, the JLCC, and the WGK Plant.

We appreciate your review of our RAPP application and look forward to moving ahead with this project. If you have any questions or comments regarding this letter, please contact me at (314) 674-3312 or gmrina@solutia.com

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Sincerely,



Gerald M. Rinaldi
Manager, Remediation Services

Attachment

cc (via e-mail only):

Illinois EPA

Robert Carson - CERCLA
Paul Lake - CERCLA
James K. Moore - RCRA
Terri Myers - RCRA
Clarence Smith - CERCLA
Rob Watson - RCRA

US EPA

Ken Bardo - Region 5 RCRA
Jose Cisneros - Region 5 RCRA
Stephanie Linebaugh - Region 5 CERCLA
Joan Tanaka - Region 5 CERCLA

Solutia

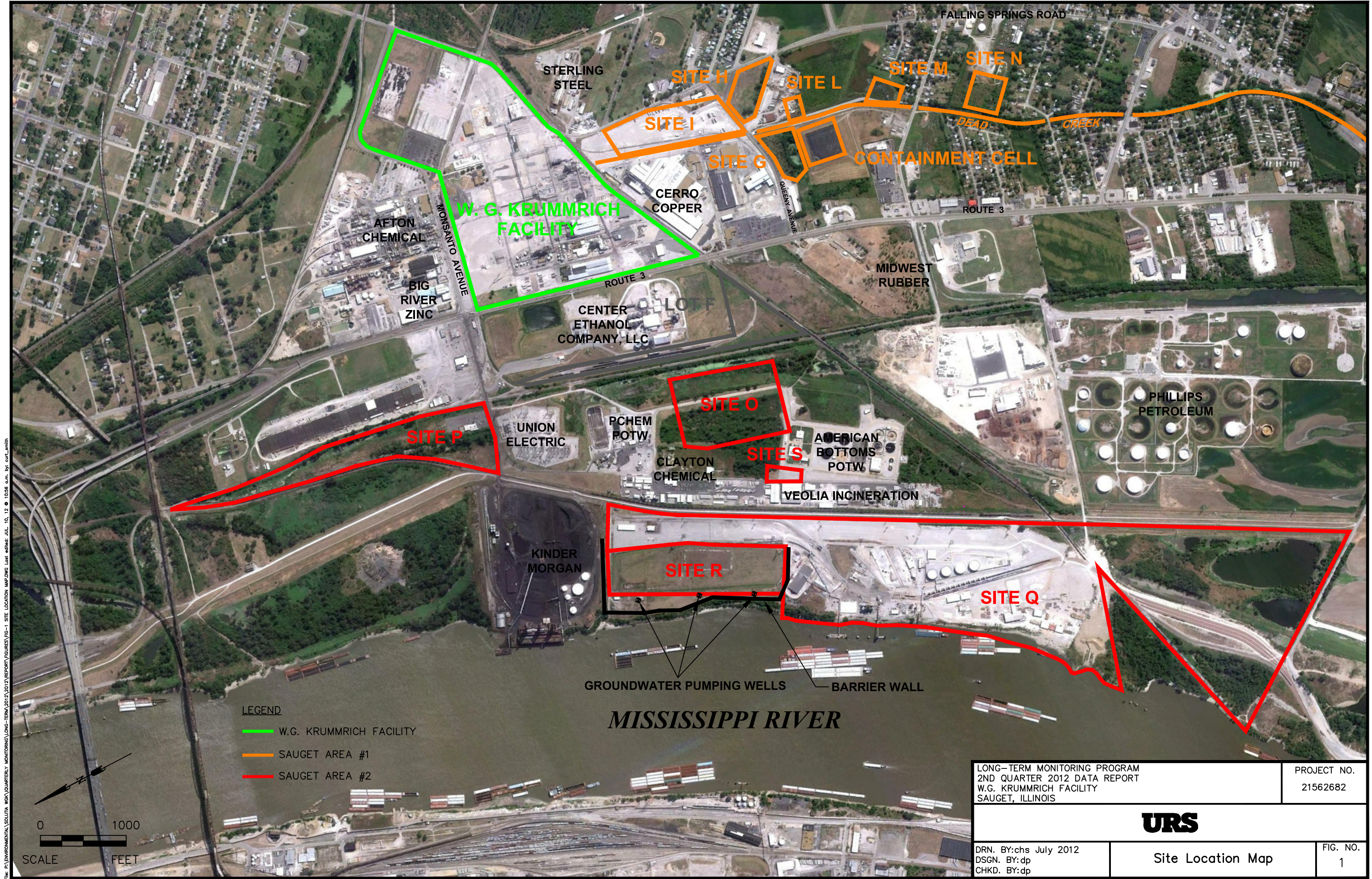
Cathy Bumb
Steve Smith

Golder Associates

Mark Haddock

URS Corporation

Ken Berry



F:\ENVIRONMENTAL\SOLUTIONS\WORK\QUARTERLY MONITORING\LONG-TERM\2012\REPORT\FIGURES\FIG-1 SITE LOCATION MAP.DWG Last edited: JUL 10 12 10:56 a.m. by: sml

LONG-TERM MONITORING PROGRAM 2ND QUARTER 2012 DATA REPORT W.G. KRUMMRICH FACILITY SAUGET, ILLINOIS		PROJECT NO. 21562682
URS		FIG. NO. 1
DRN. BY:chs July 2012 DSGN. BY:dp CHKD. BY:dp	Site Location Map	